IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 4849 (S/S) of 2001

Smt. Chandrakala Kala,
W/o late Sri V.K. Kala,
R/o 38, Arvind Marg,
D.L. Road,
Dehradun. **……Petitioner**

V e r s u s

1. Garhwal Mandal Vikas Nigam, through its General Manager (Tourism), 75/1, Rajpur Road, Dehradun.
2. Treasurer, Garhwal Mandal Vikas Nigam, 75/1, Rajpur Road, Dehradun.

…….Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Ashok Agarwal, learned counsel for the petitioner and Sri Shobhit Saharia, holding brief of Sri U.K. Uniyal, learned counsel for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

(a) issue a writ, order of direction in the nature of Certiorari by quashing the order dated 20.01.2001.

(b) issue a writ, order or direction in the nature of Mandamus to direct the respondents to correct the date of birth of the petitioner in her service book.

(c) Issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstance of the case.

(d) Award costs of this writ petition to the petitioner.

The submission of the petitioner, as narrated in the writ petition, is that petitioner was appointed as Assistant Manager in Garhwal Mandal Vikas Nigam on 25.01.1977 and her date of birth is recorded as 20.06.1943 in the service book instead of 20.06.1946. She has received a notice on 20.01.2001 wherein it is stated that she will be retired from service on 30.06.2001 after completing the age of superannuation.

The petitioner has not disputed the fact that the date of birth, which is mentioned in the service record, in absence of any certificate would deem to be correct.

While entertaining the writ petition this court on 21.11.2001 directed the respondents to decide the representation dated 23.08.2001 (Annexure No. 8 to the writ petition). In pursuance to the order passed by this court on 21.11.2001, respondents rejected the representation of the petitioner. While rejecting the claim of the petitioner respondents have held that on asking from the petitioner to submit documents for verification of her date of birth she has submitted an affidavit in which the date of birth is mentioned as 20.06.1943. Later on, petitioner has submitted that it was a typing mistake and it should have been 20.06.1946.

Petitioner was asked to retire on the basis of date of birth mentioned in the service book. On the contrary petitioner could not produce any document. Petitioner while submitting affidavit in the year 2001 has requested the department to transfer him at the place of her choice

in view of the fact that she is going to be retired within a period of one year.

From these facts it is clear that there is nothing wrong with the order dated 20.01.2001 by which petitioner has been directed to be retired from the service with effect from 30.06.2001.

I do not find any illegality or any infirmity in the order impugned dated 20.01.2001 passed by respondent no. 2. Writ petition lacks of merit, as such, writ petition is dismissed. No order as to costs.

(M.M. Ghildiyal, J)

July 24, 2006
SKSharma